

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Timmy DeWayne Jester,

Plaintiff,

v.

Case No. 18-CIV-050-RAW

Mortgage Contracting Services,
Wagoner County Sheriff's Department,
Wagoner County Court Clerk,
SRJ Field Services,
Wells Fargo Bank, NA, and
Shapiro and Cejda Law Firm, LLC,

Defendants.

ORDER

Before the court are the following:

1. Motion to Dismiss by Wells Fargo Bank, NA [Docket No. 19];
2. Motion to Dismiss by Wagoner County Court Clerk and Wagoner County Sheriff's Department [Docket No. 25];
3. Motion to Dismiss by Shapiro and Cejda Law Firm, LLC [Docket No. 26];
4. Motion to Dismiss by Mortgage Contracting Services [Docket No. 33]; and,
5. Motion to Dismiss by SRJ Field Services [Docket No. 50].

Plaintiff filed two responses [Docket Nos. 37, 47]. Three replies were also filed [Docket Nos. 48, 51 and 52].

This case was originally filed on February 13, 2018 [Docket No. 1]. The case was transferred to this court on September 6, 2018 [Docket No. 55].

Section 1332 of Title 28 of the United States Code states as follows:

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between--

(1) citizens of different States.

28 U.S.C.A. § 1332.

As to diversity jurisdiction, the complaint alleges that Plaintiff is a citizen of Broken Arrow, Oklahoma. Defendants Wagoner County Sheriff's Department and Wagoner County Court Clerk are political subdivisions of the State of Oklahoma. Shapiro and Cejda Law Firm, LLC is an Oklahoma Domestic Limited Liability Company [Docket No. 26, Pages 3-4]. SRJ Field Services, LLC is also an Oklahoma limited liability company [Docket No. 50-1]. Complete diversity is necessary to invoke this court's jurisdiction under 28 U.S.C. §1332. *See Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 584 (2005)(Complete diversity means that "all parties on plaintiffs' side must be diverse from all parties on defendants' side.").

Plaintiff's claims do not provide a basis for federal jurisdiction absent complete diversity. "A district court's dismissal for lack of subject matter jurisdiction should be without prejudice." *Strozier v. Potter*, 71 Fed.Appx. 802, 804 (10th Cir.2003).

The court further finds that amendment to the Complaint would be futile, and that Plaintiff cannot cure the jurisdictional defects in this lawsuit.

It is the order of the court that the motions to dismiss [Docket Nos. 19, 25, 26, 33, and 50] are hereby GRANTED. This action is dismissed without prejudice for lack of subject matter jurisdiction.

Dated this 21st day of September, 2018.



HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA